

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW HAMPSHIRE

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**Bobbie-Sue Baker**

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v.

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**Docket No.** \_\_\_\_\_

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**Brothers Property Management Corporation**

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**JURY TRIAL DEMANDED**

**d/b/a Mountain View Grand Resort & Spa**

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**NOTICE OF REMOVAL BY DEFENDANT PURSUANT TO  
28 U.S.C. § 1441 (Federal Question—28 U.S.C. § 1331), AND  
28 U.S.C. § 1446 (Procedure for Removal)**

NOW COMES Defendant Brothers Property Management Corporation d/b/a Mountain View Grand Resort & Spa (the “Resort”), by its counsel, Gallagher, Callahan & Gartrell, PC, and submits this Notice of Removal pursuant to 28 U.S.C. § 1441 (Federal Question—28 U.S.C. § 1331), and 28 U.S.C. § 1446 (Procedure for Removal), and says as follows:

1. Ms. Bobbi-Sue Baker (“Plaintiff”) filed a Charge of Discrimination (“Complaint”) alleging discrimination and retaliation against her on the basis of sex in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.* and N.H. RSA 354-A *et seq* with the New Hampshire Commission for Human Rights (the “NHCHR”), Case EG (H)(R) 0211-16 and the Equal Employment Opportunity Commission “EEOC”), EEOC 16D-2016-00207, which the Resort denied. *See* **Exhibit A- Charge of Discrimination and Notice of Charge of Discrimination (3 pages).**

2. On March 25, 2019, the NHCHR made a determination of probable cause.

3. In accordance with NHRSA 354-A:21-a, on May 1, 2019 the Resort filed a timely Petition for Removal from the NHCHR to Coos Superior Court. *See* **Exhibit B – Petition to Remove with Notices (7 pages).**

4. The NHCHR closed its file. See **Exhibit C – letter dated May 8, 2019 (1 page)**.
5. The Coos Superior Court action was docketed as *Bobbi Sue Baker v. Brothers Property Management Corporation d/b/a Mountain View Grand Resort & Spa* (Docket No. 214-2019-CV-00063). See *id.*
6. To date, no other documents detailing process, pleadings, or orders have been served on the Resort, and no proceedings have transpired, in the state court action. See 28 U.S.C. § 1446(a).
7. This civil action is removable under 28 U.S.C. § 1441 and 28 U.S.C. § 1446 because Plaintiff alleges in the Complaint that the Resort violated federal law under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*
8. The United States District Court for the District of New Hampshire has proper subject matter jurisdiction and venue over the claims in this action.
9. The Resort has a right to remove, and agrees to remove, this action to federal court.
10. The time for removal of this action has not expired.
11. The Resort properly removed the Charge of Discrimination to New Hampshire superior court on May 1, 2019 and the action was docketed on the same day. 28 U.S.C. § 1446(b)(1); *Swirka v. Liberty Mut. Ins. Co.*, 2018 DNH 215, at \*4–5 (holding that for purposes of 28 U.S.C. § 1446, the thirty-day removal period begins to run when the defendant’s removal petition is docketed with the superior court).
12. A copy of this Notice of Removal is being sent to Plaintiff, c/o her counsel of record (**Exhibit D**), and to the Coos Superior Court (**Exhibit E**).

13. A certified copy of the state court record will be filed within fourteen (14) days of filing this Notice of Removal. *See* Local Rule 81.1(c).

14. A Civil Cover Sheet is filed herewith. (**Exhibit F**).

Respectfully submitted,  
**BROTHERS PROPERTY MANAGEMENT  
CORPORATION d/b/a MOUNTAIN VIEW GRAND  
RESORT & SPA**  
By Its Counsel,  
**GALLAGHER, CALLAHAN & GARTRELL, P.C.**

Dated: May 21, 2019

/s/ Charles P. Bauer  
Charles P. Bauer, Esquire (NH Bar #208)  
214 North Main Street  
Concord, NH 03301  
(603) 545-3651/ [bauer@gcglaw.com](mailto:bauer@gcglaw.com)

**CERTIFICATE OF SERVICE**

I, Charles P. Bauer, Esquire, hereby certify that a copy of the foregoing was sent to Clerk of Court, Coos Superior Court, and Megan Douglass, Esquire, Claimant's counsel, via regular mail and email.

Dated: May 21, 2019

/s/ Charles P. Bauer  
Charles P. Bauer, Esquire (NH Bar #208)